(4)

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IN THE HIGH COURT OF CHHATTISGARH
AT BILASPUR (C.G.)

WRIT PETITION (S) No. 5607 /2006

Petitioners

1) Lokesh Kumar Markam, S/o. Shri Gajru Ram Markam, aged about 40 years, Occupation Govt. Servant (Upper Division Teacher-Govt. Hr. Sec. School Sankra, District Dhamtari R/o. Sankra, Tahsil Nagari District Dhamtari (CG).

2) Dhananjay Kumar Kashyap, S/o. Shri Shivram Kashyap, aged about 41 years, Occupation Government Servant (Upper Division Teacher-Govt. Middle School Nergaon, Block Manpur District Rajnandgaon R/o. Nergaon, Post and Block Manpur District Rajnandgaon (C.G.).

3) Maheshwar Singh Jaysindhu, S/o. Shri Lakhan Singh, aged about 41 years, Occupation Government Servant (Upper Division Teacher-Govt. Hr.Sec. School Sihawa District Dhamtari R/o. Sihawa, Distt Dhamtari (CG).

P.R. No. 5621/06
Presented by Ch. Smt Uma Rao
dated 10/10/06

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VERSUS

Respondents :1) State of Chhattisgarh, Through Secretary, Tribal Welfare Department, DKS Bhavan, Raipur (C.G.)

(5)

:2) Commissioner
Department of Tribal Welfare (C.G.)

:3) Assistant Commissioner
Department of Tribal Welfare,
Dhamtari (C.G.)

WRIT PETITION UNDER ARTICLES 226/227

OF THE CONSTITUTION OF INDIA

(82)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(S) No. 5561 of 2006

Petitioners : Nemichand Agrawal & others

Versus

Respondents : State of Chhattisgarh & others

W.P.(S) No. 5562 of 2006

Petitioners : Puranik Lal Dadsena & others

Versus

Respondents : State of Chhattisgarh & others

And

W.P.(S) No. 5607 of 2006

Petitioners : Lokesh Kumar Markam & others

Versus

Respondents : State of Chhattisgarh & others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Smt. Hamida Siddique, counsel for the petitioners.

Smt. Anju Ahuja, Deputy Government Advocate for the respondents/State.

ORDER

(12th October, 2006)

The following order of the Court is passed by Satish K. Agnihotri, J.

1. By this petition under Article 226/227 of the Constitution of India, the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointments in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in O.A. No. 1452/98 (Harish Chand Singh & others Vs. State of M.P. & others) dated 31.1.2000,

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O.A.No. 802/98 (Akhilesh Mishra & others Vs. State of Madhya Pradesh & others) and O.A.No. 991/98 (Ramayan Prasad Dwivedi & others Vs. State of M.P. & others).

2. Learned counsel appearing for the petitioners placed on record a copy of the order dated 23.3.2006 passed by this Court in Writ Petition No. 2577/2003 (NemSingh Thakur and others Vs. State of Chhattisgarh & others) and submits that the petitioners are similarly situated, therefore the similar order may be passed.

3. The present writ petitions, being W.P.(S) Nos. 5561/2006, 5562/2006 and 5607/2006 involve similar facts and common question of law. Thus, these petitions are being disposed of by this common order.

4. The cases of the petitioners are that they were appointed as Assistant Teachers/Upper Division Teachers in the School Education Department on probation for a period of two years with the fixed salary. However, later on after completion of two years probation, the petitioners were regularized but they were not given the regular pay scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay scale, wherein learned Tribunal vide order dated 31.1.2000 allowed the same. The petitioners made several representations to accord the same treatment as they are also similarly situated Assistant Teachers/Upper Division Teachers but the respondents have not paid any heed. Thus, this petition.

5. Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to the Respondent No. 1 to give similar treatment to the petitioners and the same pay scale which have been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31.1.2000, to which learned State counsel has no objection.

6. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court the limited prayer made by learned counsel for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to make a representation within a period of two weeks from today to the respondent No. 1, raising all their grievances and in turn the Respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioners and taking into account the order dated 31.1.2000 passed by the learned State Administrative Tribunal in O.A. No. 1452/98, and if the petitioners stand on the same footings, as the petitioners in the O.A. No. 1452/98 then they be also sanctioned the same pay scale and seniority.

7. These writ petitions are accordingly disposed of with the aforesaid direction. No order as to costs.

8. A copy of this order be placed in the record of other two connected writ petitions.

Sd/-
Satish K. Agnihotri
Judge

Bablu